

DOCKET NO.:

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SYLVIA MONSHEIMER, ET AL. : EXAMINER: J.E. COZART
SERIAL NO: 10/670,528 :
FILED: SEPTEMBER 26, 2003 : GROUP ART UNIT: 3726
FOR: PIPE CONNECTION

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is an appeal from the Final Rejection of the claims dated February 1, 2008.

I. REAL PARTY IN INTEREST

The real party in interest is Evonik Degussa GmbH.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative and their assignee are not aware of any appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in this appeal.

III. STATUS OF THE CLAIMS

Claims 10-13, 17-20, 24-27 and 31-41 are pending.

Claims 10, 13, 17, 20, 24, 27, 31, 34, 38, 40 and 41 are rejected.

Claims 11, 12, 18, 19, 25, 26, 32, 33, 35-37 and 39 are withdrawn from consideration.

Claims 10, 13, 17, 20, 24, 27, 31, 34, 38, 40 and 41 are presented in the Claims

Appendix attached hereto.

IV. STATUS OF AMENDMENTS

No amendments have been submitted subsequent to the mailing of the Final Rejection.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

As set forth in Claim 10, the present invention relates to a laser-welded composite part produced by a method for connecting a plastic pipe to another plastic part {see page 2, lines 21-23 of the specification}, wherein

an outer layer of the plastic pipe and an outer layer of the other plastic part are largely opaque to laser light of a certain wavelength {see page 2, lines 23-27 of the specification}, which comprises:

sheathing both the plastic pipe and the other plastic part ends thereof by an additional adaptor made of a plastic transmissive to laser light {see page 2, lines 27-28 of the specification}, and

fastening the adaptor to at least one of the plastic pipe and the other plastic part by laser-beam welding {see page 2, lines 28-29 of the specification};

wherein the composite part is a motor-vehicle pipeline {see page 7, lines 36-37 of the specification}; and

wherein the other plastic part has at least one nipple which is provided for the connection to the pipe {see page 3, line 24 of the specification}, wherein said nipple is provided on the outside with a profile {see page 3, line 26 of the specification}.

As set forth in Claim 17, the present invention relates to a laser-welded composite part, obtained by a method for connecting a plastic pipe to another plastic part {see page 2, lines 21-23 of the specification}, wherein

an outer layer of the plastic pipe and an outer layer of the other plastic part are largely opaque to laser light of a certain wavelength {see page 2, line 23-27 of the specification}, which comprises:

(a) molding an additional adaptor of a material transmissive to laser light together with the other plastic part by a two-component injection-molding process {see page 4, lines 22-25 of the specification},

(b) inserting the pipe into the adaptor {see page 4, lines 22-25 of the specification}, and

(c) fastening the pipe to the adaptor by means of at least one weld; {see page 4, lines 22-25 of the specification}

wherein the composite part is a motor-vehicle pipeline {see page 7, lines 36-37 of the specification}; and

wherein the other plastic part has at least one nipple which is provided for the connection to the pipe {see page 3, line 24 of the specification}, wherein said nipple is provided on the outside with a profile {see page 3, line 26 of the specification}.

As set forth in Claim 24, the present invention relates to a laser-welded composite part, obtained by a method for connecting a plastic pipe to another plastic part {see page 2, lines 21-23 of the specification}, wherein

an outer layer of the plastic pipe and an outer layer of the other plastic part are largely opaque to laser light of a certain wavelength {see page 2, lines 23-27 of the specification}, which comprises:

(a) molding an additional adaptor of a plastic transmissive to laser light onto the other plastic part {see page 8, lines 16-18 of the specification},

(b) inserting the pipe into the adaptor {see page 8, line 19 of the specification}, and

(c) fastening the pipe to the adaptor by means of at least one weld {see page 8, line 20 of the specification};

wherein the composite part is a motor-vehicle pipeline {see page 7, lines 36-37 of the specification}; and

wherein the other plastic part has at least one nipple which is provided for the connection to the pipe {see page 3, line 24 of the specification}, wherein said nipple is provided on the outside with a profile {see page 3, line 26 of the specification}.

As set forth in Claim 31, the present invention relates to a laser-welded composite part, obtained by a method for connecting a plastic pipe to another plastic part {see page 2, lines 21-23 of the specification}, wherein an outer layer of the plastic pipe and an outer layer of the other plastic part are largely opaque to laser light of a certain wavelength {see page 2, lines 23-27 of the specification}, comprising the steps of:

molding the other plastic part onto an adaptor of a plastic transmissive to laser light {see page 9, lines 6-7 of the specification},

inserting the pipe into the adaptor {see page 9, line 8 of the specification}, and

fastening the pipe to the adaptor by means of at least one weld {see page 9, line 9 of the specification};

wherein the composite part is a motor-vehicle pipeline {see page 7, lines 36-37 of the specification}; and

wherein the other plastic part has at least one nipple which is provided for the connection to the pipe {see page 3, line 24 of the specification}, wherein said nipple is provided on the outside with a profile {see page 3, line 26 of the specification}.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The sole issue in the Appeal is whether Claims 10, 13, 17, 20, 24, 27, 31, 34, 38, 40 and 41 are unpatentable under 35 U.S.C §103(a) over Savitski et al. in view of Fischerkeller et al.

VII. ARGUMENT

Savitski et al. disclose the simultaneous production of lap and butt joints in order to join plastic materials. See the Abstract and column 1, lines 14-20. The components are fused together to simultaneously form the lap and butt joints by the heat produced by applying radiation to the components. See column 1, lines 18-20. As the Office recognizes, Savitski et al. fail to disclose a nipple which is provided on the other plastic pipe for the connection to the pipe.

Fischerkeller et al. disclose a fastening device for attaching a fuel line to a connecting piece. See the Abstract. The fastening device contains a connector (10) that is alleged by the Office to correspond to the nipple recited in the claims.

One would not look to Fischerkeller et al. to modify Savitski et al. to incorporate a nipple provided on the outside with a profile as claimed. Savitski et al. explicitly disclose a way to connect the component parts, so there is no need for a nipple as claimed. The reference discloses that radiating the components generates heat which fuses the components with the simultaneous production of the butt and lap joints. Therefore, a nipple is not required. For that reason, one would not be motivated to modify the device described by Savitski et al. to include a nipple.

While Savitski et al. do not “explicitly exclude the possibility of adding supplemental retention features to either the pipe or other plastic pipe in combination with welding or heating” and the description in Fischerkeller et al. does not “destroy” the teachings in Savitski et al., the issue is whether those references in combination suggest the claimed invention. There is no motivation for a nipple provided on the outside with a profile because Savitski et al. already explicitly disclose a way to connect the component parts, without a nipple. So, while a nipple may not be excluded, it isn’t needed, either! Why would one use a nipple as claimed when the references already describe a way to join the parts together?


In view of the foregoing, the claimed composite part is not obvious over the combination of Savitski et al. and Fischerkeller et al. Reversal of this ground of rejection is respectfully requested.

Respectfully submitted,

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUBSTADT, P.C.



James J. Kelly, Ph.D.
Attorney of Record
Registration No. 41,504

CLAIMS APPENDIX

Claims 10, 13, 17, 20, 24, 27, 31, 34, 38, 40 and 41 are rejected and under appeal.

10. A laser-welded composite part produced by a method for connecting a plastic pipe to another plastic part, wherein

an outer layer of the plastic pipe and an outer layer of the other plastic part are largely opaque to laser light of a certain wavelength, which comprises:

sheathing both the plastic pipe and the other plastic part ends thereof by an additional adaptor made of a plastic transmissive to laser light, and

fastening the adaptor to at least one of the plastic pipe and the other plastic part by laser-beam welding;

wherein the composite part is a motor-vehicle pipeline; and

wherein the other plastic part has at least one nipple which is provided for the connection to the pipe, wherein said nipple is provided on the outside with a profile.

13. The composite part of claim 10, wherein the composite part is a pipeline selected from the group consisting of a fuel line, a coolant line, a brake fluid line, a hydraulic fluid line, and a line of a windshield washing system.

17. A laser-welded composite part, obtained by a method for connecting a plastic pipe to another plastic part, wherein

an outer layer of the plastic pipe and an outer layer of the other plastic part are largely opaque to laser light of a certain wavelength, which comprises:

(a) molding an additional adaptor of a material transmissive to laser light together with the other plastic part by a two-component injection-molding process,

(b) inserting the pipe into the adaptor, and
(c) fastening the pipe to the adaptor by means of at least one weld;
wherein the composite part is a motor-vehicle pipeline; and
wherein the other plastic part has at least one nipple which is provided for the connection to the pipe, wherein said nipple is provided on the outside with a profile.

20. The composite part of claim 17, wherein the composite part is a pipeline selected from the group consisting of a fuel line, a coolant line, a brake fluid line, a hydraulic fluid line, and a line of a windshield washing system.

24 A laser-welded composite part, obtained by a method for connecting a plastic pipe to another plastic part, wherein

an outer layer of the plastic pipe and an outer layer of the other plastic part are largely opaque to laser light of a certain wavelength, which comprises:

(a) molding an additional adaptor of a plastic transmissive to laser light onto the other plastic part,

(b) inserting the pipe into the adaptor, and

(c) fastening the pipe to the adaptor by means of at least one weld;

wherein the composite part is a motor-vehicle pipeline; and

wherein the other plastic part has at least one nipple which is provided for the connection to the pipe, wherein said nipple is provided on the outside with a profile.

27. The composite part of claim 24, wherein the composite part is a pipeline selected from the group consisting of a fuel line, a coolant line, a brake fluid line, a hydraulic fluid line, and a line of a windshield washing system.

31. A laser-welded composite part, obtained by a method for connecting a plastic pipe to another plastic part, wherein an outer layer of the plastic pipe and an outer layer of the other plastic part are largely opaque to laser light of a certain wavelength, comprising the steps of:

molding the other plastic part onto an adaptor of a plastic transmissive to laser light, inserting the pipe into the adaptor, and fastening the pipe to the adaptor by means of at least one weld; wherein the composite part is a motor-vehicle pipeline; and wherein the other plastic part has at least one nipple which is provided for the connection to the pipe, wherein said nipple is provided on the outside with a profile.

34. The composite part of claim 31, wherein the composite part is a pipeline selected from the group consisting of a fuel line, a coolant line, a brake fluid line, a hydraulic fluid line, and a line of a windshield washing system.

38. The laser-welded composite part of claim 10, wherein the other plastic part is a pipe.

40. The laser-welded composite part of claim 10, wherein the adaptor is a sleeve.

41. The laser-welded composite part of claim 10, further comprising welding the adaptor onto the pipe and onto the other plastic part by at least one peripheral weld in each case.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.